

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 01J13201		DATE OF AWARD 01/27/2017	
			MODIFICATION NUMBER: 2			
			PROGRAM CODE: V		TYPE OF ACTION Revision: Scope & Increase	MAILING DATE 02/03/2017
			PAYMENT METHOD:		ACH# X0068	
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center LVFC-grants@epa.gov			
RECIPIENT: Confederated Tribes and Bands of the Yakama Nation P.O. Box 151 Toppenish, WA 98948-0151 EIN: 91-0576806			PAYEE: Confederated Tribes and Bands of the Yakama Nation P.O. Box 151 Toppenish, WA 98948-0151			
PROJECT MANAGER Paul Ward P.O. Box 151 Toppenish, WA 98948-0151 E-Mail: warp@yakamafish-nsn.gov Phone: 509-865-5121 EXT. 6363		EPA PROJECT OFFICER Deborah Robinson 1200 Sixth Avenue, Suite 900, ECL-122 Seattle, WA 98101 E-Mail: robinson.deborah@epa.gov Phone: 206-553-4961		EPA GRANT SPECIALIST Joanne Brendle 1200 Sixth Avenue, suite 900, OMP-173 Seattle, WA 98101 E-Mail: brendle.joanne@epa.gov Phone: 206-553-6385		
PROJECT TITLE AND EXPLANATION OF CHANGES Portland Harbor Superfund Site This amendment changes the agreement as follows: Adds \$239,736 in EPA funding, approves the revised workplan submitted 11/23/2016 and updates terms and conditions..						
BUDGET PERIOD 03/16/2016 - 12/31/2018		PROJECT PERIOD 03/16/2016 - 12/31/2018		TOTAL BUDGET PERIOD COST \$415,736.00		
				TOTAL PROJECT PERIOD COST \$415,736.00		
NOTICE OF AWARD						
Based on your Application dated 03/02/2016 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$239,736. EPA agrees to cost-share 57.66% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$415,736. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS EPA Region 10 Mail Code: OMP-173 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			ORGANIZATION / ADDRESS U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
Digital signature applied by EPA Award Official Paula VanHaagen - Manager - Grants Unit					DATE 01/27/2017	

V - 01J13201 - 2 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 176,000	\$ 239,736	\$ 415,736
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 176,000	\$ 239,736	\$ 415,736

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart O

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$168,286
2. Fringe Benefits	\$48,920
3. Travel	\$8,200
4. Equipment	\$0
5. Supplies	\$6,325
6. Contractual	\$111,400
7. Construction	\$0
8. Other	\$9,200
9. Total Direct Charges	\$352,332
10. Indirect Costs: % Base	\$63,404
11. Total (Share: Recipient 42.34 % Federal 57.66 %.)	\$415,736
12. Total Approved Assistance Amount	\$415,736
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$239,736
15. Total EPA Amount Awarded To Date	\$415,736

Administrative Conditions

The following terms and conditions are updated:

1. General Terms and Conditions - Effective 10/03/2016

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-3-2016-or-later>.

These terms and conditions are in addition to the assurances and certifications made as part of the award and terms, conditions or restrictions cited below.

The EPA repository for the general terms and conditions by year can be found at:

<http://www2.epa.gov/grants/grant-terms-and-conditions>.

6. Expired Indirect Cost Rate Agreement

The indirect cost rate agreement on file with EPA expires **9/30/2017**. In order to charge for indirect costs beyond that date, we must have a copy of an approved agreement in our files. If you have not yet received an approval of an indirect cost rate from your cognizant agency, please submit a copy within 30 days of approval to the EPA Region 10. If you have an approved rate agreement, please provide a copy with the signed Assistance Agreement.

Please send the indirect cost rate documentation to **EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-173, Seattle, WA 98101** or **FAX to (206) 553-4957**.

The following condition is added:

9. Tribal Council Costs

With regard to payments to members of the Tribal Council, 2 CFR 200.444, provides that general costs of government are unallowable, and subparagraph (a)(2) specifically includes in this prohibition salaries and expenses of tribal councils whether incurred for purposes of legislation or executive direction.

At the same time, however, the guidance includes other provisions which may or may not allow payment of grant funds to Council members:

(a) 2 CFR 200.422 Advisory Councils – Costs incurred by advisory councils or committees are unallowable unless authorized by statute or the awarding agency.

(b) 2 CFR 200.459 Professional Service Costs – Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the governmental unit, are allowable.

(c) 2 CFR 200.432 Conferences – Allowable conference costs paid by the non-Federal entity as a sponsor or host of the conference may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the awarding agency.

(d) 2 CFR 200.444(b) General Costs of Government – For federally-recognized Indian tribal governments, the portion of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff is allowable.

Any costs pertaining to the Tribal Council must be in accordance with 2 CFR 200 Subpart E. The recipient should refer to the entire paragraphs cited above and 2 CFR 200 in its entirety because the above are excerpts only, and other provisions could affect the allowability of costs. Documentation must be kept in your records as to how any of those costs charged to this grant fit with the above mentioned paragraphs and how the costs relate to the work plan components.

Programmatic Conditions

1. Quarterly Performance Reports

The recipient shall submit quarterly performance reports, which are due 60 calendar days after the end of each Federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 35.6650, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

(a) an explanation of work accomplished during the reporting period, delays, or other problems, if any, and a description of the corrective measures that are planned. For pre-remedial Cooperative Agreements, the report must include a list of the site-specific products completed and the estimated number of technical hours spent to complete each product.

(b) a comparison of the percentage of the project completed to the project schedule, and an explanation of significant discrepancies.

(c) a comparison of the estimated funds spent to date to planned expenditures and an explanation of significant discrepancies. For remedial, enforcement, and removal reports, the comparison must be on a per task basis.

(d) an estimated of the time and funds needed to complete the work required in the Cooperative Agreement, a comparison of that estimate to the time and funds remaining, and a justification for any increase.

In addition to the quarterly performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 35.6655, as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

2. Final Performance Report

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. If inappropriate, the EPA Project Officer may waive the requirement for a final performance report after completion of the project.

3. Work Plan

Work under this agreement should be completed in accordance with the approved work plans submitted with the applications dated **11/23/16**.

4. EPA Substantial Involvement

EPA will be substantially involved in this project by providing oversight in the recipients abilities to implement and sustain CERCLA to include the following activities:

- a. Planning
- b. Document Review
- c. Public Information

5. Competency of Organizations Generating and/or Using Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the EPA Project

Officer for this award.

Federal Assistance Agreement Funds Up To \$200,000

Recipient agrees that if the total federal funding obligated on this award exceeds \$200,000 (resulting from subsequent amendments to this agreement) and will involve the use or generation of environmental data it will (unless it has otherwise done so) demonstrate competency prior to carrying out any activities involving the generation or use of environmental data under this agreement.

Federal Assistance Agreement Funds Exceed or Expect to Exceed \$200,000

Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable. Recipient agrees to submit documentation and demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data.

R10 Quality Assurance Team Contact: Donald M. Brown at (206) 553-0717 or email: brown.donaldM@epa.gov.

- END OF DOCUMENT -